IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Review Application No. 20 of 2006
In
Writ Petition No. 61 of 2000 (M/B)

C.S. Sethi. …….. Petitioner

Versus

State of Uttaranchal and Others. ..…. Respondents

Mr. K.S. Mehta, Advocate for the review petitioner.
Mr. B.P.S. Mer, Advocate for the writ petitioner.

Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

Mr. K.S. Mehta, Advocate for the review petitioners.

Mr. B.P.S. Mer, Advocate for the writ petitioner.

2. On due consideration, CLMA No. 2707 of 2006 is allowed and the delay in filing the review petition is, hereby condoned.

3. They are heard on the review petition.

4. The petitioners are seeking review of the judgment dated 20.09.2004, whereby the writ petition filed by writ petitioner C.S. Sethi was disposed of with a direction to the respondents to remove the tin-shed as early as possible and not beyond the period of one year from the date of passing of order. It was further directed that the park shall be left open and shall be allowed to be used as a park by the local residents.

5. Mr. K.S. Mehta, the learned counsel for the review petitioner submits that under the garb of the order dated 20.09.2004, the writ petitioner and other residents of the locality are trying to encroach upon the nearby plot reserved for school.

6. Though it is crystal clear from the judgment dated 20.09.2004 that the writ petition (W.P. No. 61 of 2000) and the judgment dated 20.09.2004 related to plot No. 24 only which was shown as a park. Even at the cost of repetition, we clarify that the judgment dated 20.09.2004 and the directions contained in the said judgment relate to plot No. 24 only.

7. With the above clarification, the review petition stands disposed of.

8. With the above order, CLMA No. 2706 of 2006 also stands disposed of.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
03.05.2007 03.05.2007

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